

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

CAREER COUNSELING, INC. d/b/a)
SNELLING STAFFNG SERVICES,)
individually and as the representative of a)
class of similarly-situated persons,)
)
 Plaintiff,)
)
 v.) No. 3:16-cv-03013-JMC
)
)
 AMERIFACTORS FINANCIAL GROUP,)
LLC, and JOHN DOES 1-5,)
)
 Defendants.)

DECLARATION OF ROSS GOOD

I, ROSS GOOD, declare that:

1. I have personal knowledge of the facts and matters alleged herein and can competently testify to same.
2. I reside in Cook County, Illinois.
3. I have overseen the Local Number Portability Administrator (“LNPA”) subpoena process in this case.
4. On or about June 26, 2020, Plaintiff sent a subpoena to the LNPA of the Number Portability Administrative Center to identify all phone carriers for all the 58,944 phone numbers in the putative class that were successfully sent the faxes during the class period as defined in the class definition. The LNPA responded on or about August 3, 2020.
5. Between September 16, 2020 and November 23, 2020, Plaintiff served 344 subpoenas on carriers identified by the LNPA (“phone carrier subpoenas”). Each of the phone carrier subpoenas each contain the same two requests: (1) “For each telephone number on the list for the date listed, identify whether or not you provided online fax service to the subscriber of that telephone number,” and (2) “For each telephone number on the attached list for the date listed, provide the name and address of the subscriber.” (See e.g., Doc. 176-1, Def.’s Opp. to Motion for Entry of Court Order, Ex. A., at 5-8 of 29) (“Comcast Subpoena”)).
6. Between December 7, 2020 and January 20, Plaintiff sent 16 additional subpoenas to downstream providers identified by subpoena responses obtained by Plaintiff to date.

7. On or about January 15, 2021, Plaintiff served a subpoena on j2 Global.

8. On or about February 5, 2021, Plaintiff served 101 additional subpoenas on downstream providers identified by the subpoena response from Bandwidth.com, a subpoena respondent.

9. On or about February 8, 2021, Plaintiff served 13 subpoenas to online fax service providers identified in the Supplemental Expert Report of one of Defendant's experts, Ken Sponsler.

10. Plaintiff's Counsel has repeatedly been told by numerous subpoena recipients that they cannot provide a substantive subpoena response absent a Court Order under the Cable Communication Policy Act of 1984, 47 U.S.C. § 551, *et seq.* (the "Cable Act").

11. I have spoken to representatives of AT&T, Inc. ("AT&T") regarding the phone carrier subpoena served on AT&T. I was informed by AT&T that upon receipt of an Order from this Court pursuant to the Cable Act, it will take at least 30 days for the notification process as required under said Act. The subpoena to AT&T includes 12,874 phone numbers for putative class members at issue in this case.

12. I have spoken to representatives of Charter Communications, LLC ("Charter") regarding the phone carrier subpoena served on Charter. I was informed by Charter that upon receipt of an Order from this Court pursuant to the Cable Act, it will take time to notify its clients as required under said Act. The subpoena to Charter includes 3,595 (1,291 + 2,304 Time Warner, now part of Charter) phone numbers for putative class members at issue in this case.

13. I have spoken to representatives of Frontier Communications ("Frontier") regarding the phone carrier subpoena served on Frontier. I was informed by Frontier that upon receipt of an Order from this Court pursuant to the Cable Act, it will take time to notify its clients as required under said Act. The subpoena to Frontier includes 2,861 phone numbers for putative class members at issue in this case.

14. I have spoken to representatives of Cox Communications ("Cox") regarding the phone carrier subpoena served on Cox. I was informed by Cox that upon receipt of an Order from this Court pursuant to the Cable Act, it will take time to notify its clients as required under said Act. The subpoena to Cox includes 1,879 phone numbers for putative class members at issue in this case.

15. I have spoken to representatives of Comcast Corporation ("Comcast") regarding the phone carrier subpoena served on Comcast. In addition to my conversation with Comcast, I was also informed in writing by Comcast that they did not offer "online fax service" on the date of the faxing at issue in this case. This writing was attached to Defendant's opposition to Plaintiff's original motion regarding the Cable Act. (See Doc. 176-1 at 13 of 29). Comcast advised it would not be able to provide a detailed subpoena response without an Order from this Court pursuant to the Cable Act. The subpoena to Comcast includes 5,538 phone numbers for putative class members at issue in this case.

16. I have spoken to many other subpoena respondents since September of 2020 that have indicated that they could not respond to the subpoena until they receive an Order from this Court pursuant to the Cable Act. Attached hereto as Group Exhibit A are phone carrier subpoena responses requiring an authorization from the Court under the Cable Act prior to complying with the subpoena.

17. As of the date this declaration was signed, responses have been received on more than 21,300 numbers from the List. However, more than 120 subpoena recipients for whom we can document the subpoenas were delivered successfully via certified mail, have failed to respond to the subpoena in whole or in part. If responses are received just from the carriers listed in items above, it would result in complete responses for an additional 26,700 numbers, thus bringing the total to more than 48,000 numbers (more than 81% of the putative class).

18. Plaintiff continues to diligently work to obtain subpoena responses from all phone carriers and online fax service providers for all putative class members. These efforts include the remailing of subpoenas to Registered Agents when directed by the original subpoena recipient, processing of address corrections/forwarding information, and direct follow-up with subpoena recipients who have failed to provide any response in the time frame requested on the original subpoena.

19. Plaintiff's efforts to ensure delivery of the subpoenas to correct carriers are impacted by the fact that the data provided by the LNPA included abbreviations (instead of the full organizational name) and does not include the CIC (Carrier Identification Code), which would identify the correct company in instances where there are several telecom carriers with identical or (nearly identical names).

20. Plaintiff's efforts to deliver subpoenas is further impacted by delays in mail processing and delivery by the US Postal Service that are unprecedented in recent years. This is particularly true with returned mail. Plaintiff has documented evidence of returned mail timeframes of more than four weeks.

21. At this time, Plaintiff is currently unaware of any additional subpoenas that need be served as part of this subpoena process to determine whether putative class members were using "online fax service" on the date of the faxing at issue in this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 18, 2021.

/s/ Ross M. Good
Ross M. Good

Group Exhibit A



14900 Bogle Drive, Ste. 101, Chantilly, VA 20151

Ph: (877) 510-4357

Fax: (703) 953-3643

Date: 1/21/2021

John G. Felder Jr., Esq.
 1517 Hampton Street
 Columbia, SC 29201

Re: Civil Subpoena 3:16-cv-3013-JMC

Target Details: Phone #: [REDACTED] on 06/28/2016 00:00:00 - 06/28/2016 23:59:59

Dear John G. Felder Jr.:

Subsentio LLC is the designated agent of Guadalupe Valley Telephone Cooperative, Inc (GVTC) authorized to respond to subpoenas, court orders and search warrants to produce subscriber records. We received a(n) Civil Subpoena, served upon Guadalupe Valley Telephone Cooperative, Inc (GVTC) requesting records for above mentioned target(s).

We have the following questions regarding your legal request:

Cable Act (Title 47 U.S.C. § 551) provisions apply:

The requested records require a judicially approved court order.

It is Guadalupe Valley Telephone Cooperative, Inc (GVTC)'s practice and policy to notify the affected subscribers when a legal process requests their records. This policy allows the affected subscribers an opportunity to file a motion with the court. Once a Court Order is received, we will begin the notification process.

Outgoing Call, Payment Data, Subscriber Info (name and address), etc. Please specify the requested records in writing.

If you have any questions, please call Subsentio LLC at (877) 510-4357 and refer to case # 9334.

Sincerely,

Michael Nuttmann
 Authorized Agent for Custodian of Records
 Guadalupe Valley Telephone Cooperative, Inc (GVTC)

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Ph: (877) 510-4357

TCSR000940



14900 Bogle Drive, Ste. 101, Chantilly, VA 20151

Ph: (877) 510-4357

Fax: (703) 953-3643

Date: 12/14/2020

Ross Good
 1517 Hampton St
 Columbia, SC 29201

Re: Civil Subpoena 3:16-cv-3013-JMC

Target Details: Phone [REDACTED] on 06/28/2016

Subsentio LLC is the designated agent of Climax Telephone Company (dba CTS Telecom, Inc) authorized to respond to subpoenas, court orders and search warrants to produce subscriber records. We received a(n) Civil Subpoena, served upon Climax Telephone Company (dba CTS Telecom, Inc) requesting records for above mentioned target(s).

We have the following questions regarding your legal request:

Cable Act (Title 47 U.S.C. § 551) provisions apply:

It is Climax Telephone Company (dba CTS Telecom, Inc) practice and policy to notify the affected subscribers when a legal process requests their records. This policy allows the affected subscribers an opportunity to file a motion with the court. Therefore, we will comply with your request on 12/28/2020 unless a motion is filed. Please note the actual processing time may vary depending on the complexity and availability of the requested records.

If you have any questions, please call Subsentio LLC at (877) 510-4357 and refer to case # 9066.

Sincerely,



Nicole Roberts
 Authorized Agent for Custodian of Records
 Climax Telephone Company (dba CTS Telecom, Inc)

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14900 Bogle Drive, Ste. 101, Chantilly, VA 20151

Ph: (877) 510-4357

Fax: (703) 953-3643

Date: 1/8/2021

John G Felder Jr, Attorney
 1517 Hampton St
 Columbia, SC 29201

Re: Civil Subpoena 3:16-cv-3013-JMC

Target Details: Phone #: [REDACTED] on 06/28/2016 00:00:00 - 06/28/2016 23:59:59

Subsentio LLC is the designated agent of NineStar Connect (Hancock) authorized to respond to subpoenas, court orders and search warrants to produce subscriber records. We received a(n) Civil Subpoena, served upon NineStar Connect (Hancock) requesting records for above mentioned target(s).

We have the following questions regarding your legal request:

Cable Act (Title 47 U.S.C. § 551) provisions apply:

The requested records require a judicially approved court order.

It is NineStar Connect (Hancock) practice and policy to notify the affected subscribers when a legal process requests their records. This policy allows the affected subscribers an opportunity to file a motion with the court. Once a court order is received, we will begin the notification process. Please note the actual processing time may vary depending on the complexity and availability of the requested records.

If you have any questions, please call Subsentio LLC at (877) 510-4357 and refer to case # 9230.

Sincerely,

Nicole Roberts

Nicole Roberts
 Authorized Agent for Custodian of Records
 NineStar Connect (Hancock)

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14900 Bogle Drive, Ste. 101, Chantilly, VA 20151

Ph: (877) 510-4357

Fax: (703) 953-3643

Date: 12/17/2020

John G. Felder, Attorney for Plaintiff
 1517 Hampton St.
 Columbia, SC 29201

Re: Career Counseling, Inc. v. Amerifactors Financial Group, LLC 3:16-cv-3013-JMC

Target Details: Phone #: [REDACTED] on 06/28/2016

Dear John G. Felder, Attorney for Plaintiff:

Subsentio LLC is the designated agent of TruVista Communications authorized to respond to subpoenas, court orders and search warrants to produce subscriber records. We received a(n) Civil Subpoena, served upon TruVista Communications requesting records for above mentioned target(s).

We have the following questions regarding your legal request:

Cable Act (Title 47 U.S.C. § 551) provisions apply:

The requested records require a judicially approved court order.

It is TruVista Communications practice and policy to notify the affected subscribers when a legal process requests their records. This policy allows the affected subscribers an opportunity to file a motion with the court. Once a court order is received, we will begin the notification process. Please note the actual processing time may vary depending on the complexity and availability of the requested records.

If you have any questions, please call Subsentio LLC at (877) 510-4357 and refer to case # 8497.

Sincerely,

Michael Nuttmann
 Authorized Agent for Custodian of Records
 TruVista Communications

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